



Docket No.: 55168RCE3(70551)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Y. Sawada et al.

Application No.: 09/647,086

Confirmation No.: 4078

Filed: September 26, 2000

Art Unit: 3625

For: DATA DISTRIBUTING SYSTEM AND
DATA SELLING APPARATUS
THEREFOR, DATA RETRIEVING
APPARATUS, DUPLICATED DATA
DETECTING SYSTEM, AND DATA
REPRODUCTION APPARATUS

Examiner: Deshpande, Kalyan K.

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No: **EM 053185142 US**), and is addressed to Mail Stop: AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on September 30, 2008.

10/01/2008 HLE333 00000069 041105 09647086

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By Kathryn Grindrod
Kathryn A. Grindrod

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references/documents listed on the attached PTO/SB/08a/b. It is respectfully requested that these references/documents be expressly considered during the prosecution of this application, and that these references/documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

I COPIES

a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed. (Applications filed after June 30, 2003, no copies of cited US Patents are required and therefore, are not enclosed).

b. _____ This application relies under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. _____, filed on _____. The references listed on the attached Form PTO/SB08a/b were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application.

II. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. X Except as may be indicated below in (b), all of the patents, publications or other information submitted herewith are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).

b. X A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

The relevance of the cited Japanese language document JP 6-85196 (Item BA) cited and provided herewith is discussed at page 5 in the specification of the above-identified application.

c. X The following additional information is provided for the Examiner's consideration:

Japanese language document JP 6-85196 (Item BA) cited and provided herewith was inadvertently misidentified in the Information Disclosure Statement that accompanied the original filing of this application.

FEES

III. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

a. _____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.

b. _____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

c. _____ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a. X No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. §1.17(p).

OR

b. _____ See the certification below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(d)

The undersigned hereby states that

X This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Accordingly, Applicant(s) respectfully hereby petition(s) that this Information Disclosure Statement be considered.

VI. **STATEMENT UNDER 37 C.F.R. § 1.97(e)**

(check only one box)

The undersigned hereby states that

- a. each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. no item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

X Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

 No fee is required.

X Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. However, if for any reason a further fee is required, a fee paid is inadequate or a credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. Further, if it is determined that this Information Disclosure Statement has been filed under the wrong rule, the United States Patent and Trademark Office is requested to consider this Information Disclosure Statement under the proper rule, with a petition if necessary, and to charge the appropriate fee to Deposit Account No. **04-1105**.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 55168RCE3(70551). A duplicate copy of this paper is enclosed.

Dated: September 30, 2008

Respectfully submitted,

By David A. Tucker
David A. Tucker
Registration No.: 27,840
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5508
Attorney for Applicant

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Dated: September 30, 2008

Respectfully submitted,

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
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Attorney for Applicant

695527